



Iowa Board of Pharmacy

December 16, 2020 Minutes

Members Present

Jason Hansel, Chair
Brett Barker, Vice-Chair
Gayle Mayer
Ed McKenna
Dane Nealson
Joan Skogstrom
Kathy Stone

Members Absent

Sherill Whisenand

Staff Present

Andrew Funk, Executive Director
Therese Witkowski, Executive Officer

Mitch Barnett, Associate Director of PMP
Laura Steffensmeier, Assistant Attorney General
Amanda Woltz, Administrative Assistant
Emily Albers, Pharmacist-intern

Compliance Officers

Christie Carlson
Curt Gerhold
Mark Mather
Sue Mears
Jean Rhodes
Dan Sedlacek
Jennifer Tiffany
Jim Wolfe

Call to Order & Announcements

At 9:02 a.m., on Wednesday, December 16, 2020, Jason Hansel, Chair, called the meeting of the Iowa Board of Pharmacy to order.

Public Comment Period

Anthony Pudlo with the Iowa Pharmacy Association (IPA) acknowledged the collaboration between IPA and the Board during the COVID-19 pandemic.

Approval of Minutes

1. November 17-18, 2020 Open Session Minutes

Motion by Brett Barker, second by Dane Nealson, to approve the Open Session Minutes of the November 17-18, 2020, meeting as presented. Motion approved unanimously.

Requests

1. Request to register in support of Iowa Dental Board 2021 Legislative Bill

Motion by Brett Barker, second by Gayle Mayer, to register in support of the Iowa Dental Board 2021 Legislative Bill. Motion passed unanimously.

2. Request to waive 657 IAC 4.3 by granting 500 hours of internship from foreign experience towards the 1,500 hour requirement – Danah Alahmad, Pharmacist-intern Registration 7388, Mason City

Motion by Brett Barker, second by Joan Skogstrom, to deny the request for 500 hours of internship from foreign experience. Motion passed unanimously.

3. Request to waive 657 IAC 4.6 by extending the expiration of internship registration – Danah Alahmad, Pharmacist-intern Registration 7388, Mason City

Motion by Brett Barker, second by Joan Skogstrom, to approve the request to extend the expiration of the internship registration to December 31, 2021. Motion passed unanimously.

4. Request to waive 657 IAC 20.5 by granting an extension for delayed compliance with USP 800 – University of Iowa Hospitals & Clinics, License Nos. 325 and 599, Iowa City

Motion by Brett Barker, second by Gayle Mayer, to approve the extension for delayed compliance with USP 800 through August 1, 2021. Motion passed unanimously.

5. Request to waive 657 IAC 17.3(1)"c" requiring evidence of current NABP Drug Distributor Accreditation (formally known as VAWD).

- a. Clean Harbors Aragonite, License 7452, Norwell, MA

Motion by Brett Barker, second by Gayle Mayer, to approve the request as presented. Motion passed unanimously.

- b. HealthSource Distributors, License 6974, Baltimore, MD
- c. Sigma Pharmaceuticals, License 5503, North Liberty

Motion by Brett Barker, second by Gayle Mayer, to approve the request to allow QAS accreditation, which can be used in lieu of NABP Drug Distributor Accreditation (formally known as VAWD) for the 2021 renewal. Motion passed unanimously.

- d. Jubilant HollisterStier, License 5465, Spokane, WA

Motion by Brett Barker, second by Ed McKenna, to approve the request so long as the business activity is limited to distribution of the products they directly manufacture or products which are distributed directly to practitioners for professional use relating to allergen extracts. Motion passed unanimously.

- e. AmeriCares Foundation, License 6654, Stamford, CT

Motion by Brett Barker, second by Gayle Mayer, to approve the request to December 31, 2022. Motion passed unanimously.

- f. Amatheon Animal Health, Wholesale distributor applicant, Miami, FL

Motion by Brett Barker, second by Gayle Mayer, to deny the request. Motion passed unanimously.

6. Request to Administratively Extend Waivers for Wholesale Distributors Currently Accredited by NCDQS

Motion by Brett Barker, second by Gayle Mayer, to approve the request as submitted. Motion passed unanimously.

Petitions for Exemption from Mandate for Electronic Transmission of Prescriptions

Renewal

1. Dr. Thomas Lower, DO

Motion by Dane Nealson, second by Joan Skogstrom, to deny the petition. Motion passed unanimously.

2. Dr. Frederick Aldrich, MD

Motion by Brett Barker, second by Dane Nealson, to approve the petition to March 30, 2021. Motion passed unanimously.

3. Dr. John Garton, DDS

Motion by Brett Barker, second by Gayle Mayer, to approve the petition for low volume, non-controlled substances only. Motion passed unanimously.

4. Women's Choice Center Free Clinic

Motion by Brett Barker, second by Gayle Mayer, to approve the petition, excluding opioids. Motion passed unanimously.

5. Abben Cancer Center of Spencer Hospital

Motion by Brett Barker, second by Dane Nealson, to approve the petition to March 30, 2021. Motion passed unanimously.

6. George C. Grape Community Hospital

Motion by Brett Barker, second by Dane Nealson, to approve the petition for employee prescriptions only. Motion passed unanimously.

Initial

1. Rachel Taves, ARNP

Motion by Brett Barker, second by Ed McKenna, to deny the petition. Motion passed unanimously.

Tabled from November

1. University of Iowa Community Homecare

Motion by Brett Barker, second by Gayle Mayer, to approve the petition for low volume, non-controlled substances only. Motion passed unanimously.

2. AAA CT Family Dentistry

Motion by Brett Barker, second by Dane Nealson, to approve the petition for low volume, non-controlled substances only. Motion passed unanimously

Licensure/Registration Applications

1. Gregory Judas, PSP Applicant, Johnston

Motion by Brett Barker, second by Dane Nealson, to approve the Registration by Consent Agreement. Motion passed unanimously.

2. Surmasis Pharmaceutical, Limited Distributor Applicant, Des Moines

Motion by Kathy Stone, second by Gayle Mayer, to approve the License by Consent Agreement. Motion passed unanimously.

Rules and Legislation

1. Discussion and vote on Board's position regarding Iowa Board of Medicine's proposed legislative changes to Iowa Code section 272C.6

The proposed legislative changes to Iowa Code section 272C.6 will affect all Boards established under 272C. The changes provide the ability of the Board to delegate the hearing of a contested case to an Administrative Law Judge (ALJ) in the case that the Board wishes to do so or in the event that there would be an inability to obtain a quorum due to recusals. The changes would also allow the Board to recoup and retain investigative costs through the Settlement or Hearing procedure and allow the Assistant Attorney General to provide more details of an investigation to the subject prior to issuing a Statement of Charges or other publically available documents, which may help facilitate the discussion for resolution prior to going to hearing.

Motion by Brett Barker, second by Dane Nealson, to register in support of the Iowa Board of Medicine's proposed legislative changes to Iowa Code section 272C.6. Motion passed unanimously.

Closed Session

Brett Barker moved at 11:33 a.m. to move to closed session pursuant to Iowa Code section 21.5(1)(a), to review or discuss records which are required or authorized by state or deferral law to be kept confidential; pursuant to Iowa Code section 21.5(1)(d), to discuss whether to initiate licensee disciplinary investigations or proceedings; and pursuant to Iowa Code section 21.5(1)(f), to discuss the decision to be rendered in a contested case conducted according to the provisions of Iowa Code chapter 17A with Gayle Mayer seconding it. The motion was approved unanimously by roll call vote.

At 1:29 p.m., the Board returned to open session.

1. November 17-18, 2020 Closed Session Minutes

Motion by Gayle Mayer, second by Brett Barker, to approve the Closed Session Minutes of the November 17-18, 2020, meeting as presented. Motion approved unanimously.

2. November 17, 2020 Closed Session Deliberations

Motion by Gayle Mayer, second by Joan Skogstrom, to approved the Closed Session Deliberations of the November 17, 2020, meeting as presented. Motion approved unanimously.

3. Close With No Further Action

Motion by Ed McKenna, second by Dane Nealson, to close with no further action the following investigative files in complaint numbers: 2020-0116 and 2020-0137. Motion approved unanimously.

4. Administrative Warning

Motion by Gayle Mayer, second by Dane Nealson, to issue an Administrative Warning to the PIC in 2020-0121 and the pharmacist in 2020-0141. Motion passed unanimously.

5. Letter of Education

Motion by Gayle Mayer, second by Dane Nealson, to issue a Letter of Education to the pharmacist in 2020-0146. Motion approved unanimously.

6. Combined Notice of Hearing, Statement of Charges, and Emergency Adjudicative Order

Motion by Brett Barker, second by Gayle Mayer, to approve the Combined Notice of Hearing, Statement of Charges, and Emergency Adjudicative Order in the following case. Motion approved unanimously.

A. 2020-0151 Julie Lange, CPhT, Registration 1688, Hiawatha

7. Combined Statement of Charges, Settlement Agreement, and Final Order

Motion by Dane Nealson, second by Brett Barker, to approve the Combined Statement of Charges, Settlement Agreement, and Final Order in the following cases. Motion approved unanimously.

A. 2020-0083 Derek Kerr, DDS, CSAR 1419689, Osceola

B. 2020-0096 Chadwick Johnson, DDS, CSAR 1418718, Pleasant Hill

C. 2020-0110 & 2020-0128 Hannah Rindels, CPhT, Registration 27320, Tripoli

8. Findings of Fact, Conclusions of Law, Decision, and Order

Motion by Brett Barker, second by Gayle Mayer, to approve the Findings of Fact, Conclusions of Law, Decision, and Order in the following case. Motion approved unanimously.

A. 2020-0087 Aaron Kirkendall, Technician Trainee, Registration 29822, Cuba City, WI

Adjourned at 1:34 p.m.



Amanda Woltz, Administrative Assistant and Recording Secretary



Andrew Funk
Executive Director



Jason Hansel
Board Chair

APPROVED THIS 10th DAY OF MARCH, 2021